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MEMO ENDORSED

March 24, 2009

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Hon. Denise Cote
U. S. District Judge
United States District Court
500 Pearl Street, Room 1040
New York, NY 10007

Re: Andrea Pefanis v. Westway Diner Inc.
Case No. 08CV002 (DCL)(DFE)

Dear Judge Cote:

This office represents the defendant, Westway Diner Inc., ("Westway"), in the above referenced action for alleged unpaid overtime and related wage claims. By notice of motion filed on March 13, 2009, plaintiffs have moved to certify this as a class action pursuant to Fed. R. CIV. P. 23.

The purpose of this letter is to respectfully request that your Honor extend the time for defendant to respond to the motion from April 3, 2009 to April 24, 2009, and to permit plaintiffs to reply by May 11, 2009.

Maimon Kirschenbaum, the attorney for the plaintiff, has consented to this request. This is defendant's first request for an extension of time. The parties do not anticipate that this request will affect any other scheduling deadlines.

Thank you for your consideration.

Granted

Denise Cote
March 27, 2009

Very truly yours,

Arthur H. Forman
Arthur H. Forman

AHF/ms
cc: Maimon Kirschenbaum, Esq.